

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2035 - HB 2546

March 11, 2016

SUMMARY OF BILL: Creates a gun violence restraining order (GVRO) and procedures for seeking such restraining order.

Authorizes a law enforcement officer to petition for a temporary emergency GVRO if (1) the subject of the petition poses an immediate and present danger of causing personal injury to the subject or to another by having custody or control, owning, purchasing, possessing, or receiving a firearm, and (2) the GVRO is necessary to prevent personal injury to the subject or to another because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the circumstances of the subject.

A temporary emergency GVRO expires after 21 days.

Authorizes a law enforcement officer or immediate family member, which includes any person who regularly resides in the household of the subject or any person who has regularly resided within the household of the subject within the prior six months, to petition for an ex parte GVRO if (1) the subject of the petition poses a significant danger, in the near future, of personal injury to the subject or to another by having custody or control, owning, purchasing, possessing, or receiving a firearm, and (2) an ex parte GVRO is necessary to prevent personal injury to the subject or to another because less restrictive alternatives either have been tried and found to be ineffective, or are inadequate or inappropriate for the circumstances of the subject.

An ex parte GVRO expires after 21 days.

Authorizes a law enforcement officer or immediate family member, which includes any person who regularly resides in the household of the subject or any person who has regularly resided within the household of the subject within the prior six months, to petition for a GVRO if (1) the subject of the petition poses a significant danger, in the near future, of personal injury to the subject or to another by having custody or control, owning, purchasing, possessing, or receiving a firearm, and (2) an ex parte GVRO is necessary to prevent personal injury to the subject or to another because less restrictive alternatives either have been tried and found to be ineffective, or are inadequate or inappropriate for the circumstances of the subject.

A GVRO enjoins the subject from having in the subject's custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition for one year.

Any subject of a GVRO must either (1) surrender all firearms and ammunition in the subject's custody or control, or which the subject possesses or owns, to the law enforcement agency that served the GVRO or (2) sell all such firearms and ammunition to a licensed gun dealer.

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If the firearm(s) and ammunition are surrendered to the law enforcement agency, the law enforcement agency must retain the firearm(s) and ammunition until expiration of the GVRO. The law enforcement agency must return the firearm(s) and ammunition to the subject.

A violation of a GVRO is a Class A misdemeanor.

ESTIMATED FISCAL IMPACT:

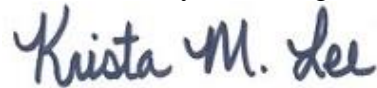
NOT SIGNIFICANT

Assumptions:

- Authorizes a law enforcement officer or an immediate family member to seek a GVRO.
- The bill will result in increased court proceedings. However, it is assumed that any impact to the courts' caseloads can be accommodated within existing resources.
- The Administrative Office of the Courts confirms that any impact can be accommodated within existing resources.
- The bill will require any law enforcement agency to retain any firearms and ammunition surrendered by a subject until the GVRO expires.
- It is assumed that law enforcement agencies currently have the means to house firearms and ammunition as law enforcement agencies currently employ firearms and ammunition for their officers.
- It is assumed that any impact can be accommodated within their existing resources.
- Any violation of a GVRO will be a Class A misdemeanor. It is assumed that the bill will not result in sufficient convictions to significantly impact local incarceration costs.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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